

**EXHIBIT D**

**LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
APRIL 2005 CALENDAR**

**G-FILE**

**MC CORMICK, FRANK**

**C78307**

**I. COMMITMENT FACTORS:**

- A. Life Crime:** Murder 2nd degree, PC 187 with an enhancement under PC 12022.5 for the use of a gun. Non-controlling offense under the same case number of PC 245(a) Assault with a Deadly Weapon, with an enhancement under PC 12022.5 for the use of a gun. Committed from Monterey County Case #MCR 4898 with a sentence of 17 years to life. Received into CDC on 12/22/83 with an MEPD of 5/14/93. Weapon used; handgun, victim: Stephan Edwards, age unknown.

1. **Summary of Crime:** The murder victim, Stephen Edwards, was killed by McCormick in the parking lot of the Seaside Club on 8/8/83 at approximately 11:00 p.m. The cause of death was a gunshot wound to the heart. Investigation lead police to information indicating that Frank McCormick and Alfred Johnson Jr., went to the Seaside parking lot. Johnson approached the passenger side of the auto occupied by Stephen Edwards and Alvin Brooks. McCormick approached the driver's side. A verbal dispute erupted between Johnson and Edwards. McCormick pulled out a handgun, which he pointed at Brooks. The dispute between Edwards and Johnson grew heated, a shot was fired and Edwards was struck with a bullet from McCormick's weapon. McCormick and Johnson fled the scene in an auto later traced to McCormick's residence. This information was obtained from Page 2 of the Probation Officer's Report (P.O.R.).
2. **Prisoner's Version:** McCormick stated that Johnson and he had been at the Seaside Club at approximately 3 or 4 o'clock on 8/7/83. McCormick stated that he was heavily intoxicated. McCormick and Johnson approached Stephen Edwards in the parking lot of the Seaside. It appeared to McCormick that Edwards was reaching under the seat for what he thought was a gun. When Edwards began reaching under the seat, McCormick said the victim stated, "I will blow both of you mother fuckers away." McCormick then fired a shot intending to hit the seat. McCormick was not sure he had shot Edwards. McCormick expressed no feelings of malice towards the victim and feels he acted quickly and out of concern for his own safety. He indicated that there is nothing that he can

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CTF-SOLEDAD

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SENT TO I/M ON 12-29-04

do to undo the life that has been taken and he knows he will have to live with this for the rest of his life.

3. **Aggravating/Mitigating Circumstances:**

a. **Aggravating Factors:**

- Circumstances of the crime created the potential for serious injury to others in that the passenger could have possibly been injured due to the close proximity to the victim in the car.
- During the commission of the crime the prisoner had a clear opportunity to cease but instead continued.

b. **Mitigating Factors:** McCormick had a minimal criminal behavior history.

B. **Multiple Crime(s):** None.

1. **Summary of Crime:** None.

2. **Prisoner's Version:** None.

II. **PRECONVICTION FACTORS:**

A. **Juvenile Record:** None.

B. **Adult Convictions:** Per page 5 of the Probation Officer's Report, McCormick was convicted on 3/24/77 of PC 330 - Gambling, sentenced to one year probation and fined \$130.00.

C. **Personal Factors:** McCormick is the only child of Frank and Pearline McCormick. He was married to Louise McCormick in 1968. This relationship ended in divorce and he married again in 1983 to Patricia Ann McCormick, but this relationship also ended in divorce in 1989. He married Janet Edwards McCormick on 7/13/95, however, this marriage also ended in divorce on 11/22/01. McCormick was on active duty in the U.S. Army from 1981 until the date of the instant offense. Prior to military service, McCormick worked for a building maintenance company. The Institutional Staff Recommendation Summary also states that McCormick has skills in cement finishing, warehousing and truck driving.

III. **POSTCONVICTION FACTORS:**

- A. **Special Programming/Accommodations:** None.
- B. **Custody History:** Documents from the previous hearings have been considered and that information remains valid. During the period of time since the last hearing (4/6/04), McCormick's behavior has been positive in that he has remained disciplinary free and received average to above average work reports at this assignment in PIA Wood Products.
- C. **Therapy and Self-Help Activities:** McCormick participated in Narcotics Anonymous.
- D. **Disciplinary History:** McCormick has received seven CDC 128A's and seven CDC 115's. See Disciplinary Sheet for details.
- E. **Other:** A Subsequent Hearing was held on 4/6/04. The BPT denied parole for one year.

Recommendations:

1. Get self-help.

IV. **FUTURE PLANS:**

- A. **Residence:** McCormick plans to reside with his ex-wife, Patricia McCormick, 725 San Juan Road #229, Sacramento, California, (916) 923-2579. McCormick has been accepted in the Allied Fellowship Service. This is a state licensed drug and alcohol residential program located in Oakland, CA. He could also live with his daughter, Fawnta McCormick, 2810 Corabel Lane #4, Sacramento, CA (916) 924-9023.
- B. **Employment:** McCormick will apply to the Inmate Employability Program, administered by PIA, which provides referrals to businesses hiring parolees with PIA work skills.
- C. **Assessment:** McCormick has letters of support from family and friends. He has completed two vocational programs and has marketable work skills in wood products as a furniture assembler. He has viable residence plans and has attempted to comply with the recommendations made by the Board.

V. **USINS STATUS:** No holds.

**VI. SUMMARY:**

- A.** Prior to release, McCormick could benefit by continuing his positive program and participating in self help activities.
- B.** This report is based upon a personal interview, incidental contact in the housing unit and a thorough review of the Central File.
- C.** McCormick was afforded an opportunity to review the Central File (see CDC 128B dated 12/17/04) .
- D.** No accommodation was required per the Armstrong vs. Davis BPT Parole Proceedings Remedial Plan (ARP) for effective communication.

M. Rubio 12-27-04  
M. Rubio Date  
Correctional Counselor I

J. L. Sareli 12-27-04  
J. L. Sareli Date  
Correctional Counselor II

J. L. Clancy 12/27/04  
J. L. Clancy Date  
Facility Captain

D. S. Levorse 12/28/04  
D. S. Levorse Date  
Classification and Parole Representative